

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KIENAN C. DIETRICH,

Defendant.

**4:13CR3087**

**ORDER**

This matter is before the court on its own motion. Before the court is a pleading captioned "Defendant's Notice by Written Communication Re Affidavit of Truth and Letter Rogatory, Notice of Fault Opportunity to Cure Fault," [Filing No. 81](#). After reviewing the document, the court finds that it is unintelligible, frivolous, vexatious and totally lacking in merit.

To the extent that it can be considered either an *in forma pauperis* action under [28 U.S.C. § 1915](#) (e)(2) or a motion for a letter rogatory, the court finds the action is frivolous or malicious and fails to state a claim and must be dismissed. Under the Prison Litigation Reform Act (PLRA), district courts must screen prisoner complaints and *sua sponte* dismiss those that are frivolous or malicious, fail to state a claim for relief, or are against a defendant who is immune. See, e.g., [Benson v. O'Brian](#), 179 F.3d 1014 (6th Cir.1999). The pleading clearly lacks an arguable basis in law and fact. [Neitzke v. Williams](#), 490 U.S. 319, 325 (1989) (explaining that the term frivolous "embraces not only the inarguable legal conclusion, but also the fanciful factual allegation"). References to a letter rogatory are clearly and manifestly baseless and irrelevant to these proceedings. Accordingly, the court finds that this pleading, to the extent it is construed as seeking in forma pauperis relief, should be dismissed *sua sponte*, as frivolous and for failure to state a claim upon which relief can be granted.

IT IS HEREBY ORDERED that

1. The defendant's pleading is dismissed, with prejudice.

2. The court certifies that any appeal from this action would not be taken in good faith and would be totally frivolous. See Rule 24 of the Federal Rules of Appellate Procedure.

DATED this 1st day of August, 2014.

BY THE COURT:

s/ Joseph F. Bataillon  
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United States District Judge